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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/552,737

09/26/2006

Juha T. Rantala

LAIN-077

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KUBOVCIK & KUBOVCIK
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EXAMINER

ZIMMER, MARC S

ART UNIT

PAPER NUMBER

1765

MAIL DATE

DELIVERY MODE

01/07/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/552,737	Applicant(s) RANTALA ET AL.	
	Examiner MARC S. ZIMMER	Art Unit 1765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41 is/are rejected.
- 7) ☒ Claim(s) 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

Claim 41 is objected to because the dangling bond should stem from R2 as this is the chemical residue that is bonded to the polysiloxane framework. The variable R1 merely represents a substituent on R2 and is, thus, monovalent.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 41 is rejected under 35 U.S.C. 102(b) as being anticipated by Nozue et al., U.S. Patent # 4,626,556.

Nozue discloses the preparation of silsesquioxane polymers derived from the hydrolysis/condensation of a mixture of alkyltrihalosilanes, alkenyltrihalosilanes, and aryltrihalosilanes that may be employed as coating material for making patterned insulating layers (abstract, column 7, lines 55-66, column 8, lines 41-62). The pattern-forming process alluded to in column 8 creates holes for providing electrodes and, thus, the requirement that the layer also contain conducting portions is also satisfied.

As for the relative amounts of alkyl-, alkenyl-, and aryl-bearing units advocated by the reference, 50-99 mol%, 1-50 mol% and 0-49 mol% respectively are taught in column 3, lines 13-18. Several of the examples outline the preparation of silicone resins derived from methyltrichlorosilane, vinyltrichlorosilane, and phenyltrichlorosilane whereas the claim requires that the aryl substituents and, thus, all of the requirements

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of claim 41 are technically satisfied since there is no indication that a hydrogen atom is excluded as a substituent at the 4-position. However, the Examiner believes that, even were Applicant to amend the claim so as to stipulate that the substituent was a substituted- or unsubstituted alkyl, the claims would still at least be rendered obvious if not continue to be anticipated insofar as the paragraph bridging columns 2 and 3 identifies ethylphenyl groups, propylphenyl groups, etc. as exemplary of the aryl substituent. (The Examiner concedes that this disclosure does not indicate that the substitution occurs at the para- position but feels that this aspect of the claimed invention is at least obvious, if not anticipated, given that there are only three unique positions on the phenyl ring at which the substitution may occur and any one of these is readily envisaged.)

The Examiner regrets that Applicant had not been afforded the opportunity to respond to this concern earlier.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC S. ZIMMER whose telephone number is (571)272-1096. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 5, 2011

/Marc S. Zimmer/
Primary Examiner, Art Unit 1765